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THE FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA,

Defendants.

Case No. 5:07-CV-01389-RS

SUPPLEMENTAL DECLARATION OF THERESA A. SUTTON IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS MOTION TO DISMISS

Date: October 10, 2007
Time: 9:30 a.m.
Judge: Honorable Richard Seeborg

Dockets.Justia.com

I, Theresa A. Sutton, declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Plaintiffs Facebook, Inc. and Mark Zuckerberg in the above-captioned action. I am a member of the Bar of the State of California. I make this Supplemental Declaration in support of Plaintiffs' Opposition to Defendants' Motion to Dismiss. I have personal knowledge of the facts set forth in this declaration and could and would competently testify thereto under oath if called as a witness.

2. On September 19, 2007, Plaintiffs filed an opposition to Defendants Cameron Winklevoss, Tyler Winklevoss and Divya Narendra's Motion to Dismiss for Lack of Personal Jurisdiction. It has come to Plaintiffs' attention that, despite a reference to the depositions of ConnectU and the individual defendants in Plaintiffs' opposition, the exhibits were inadvertently omitted from my previously declaration. See Opp'n to Mot. to Dismiss (Doc. No. 157) at 4:13-19.

3. Attached hereto as **Exhibit LL** is a true and correct copy of the January 16, 2006 deposition of Divya Narendra.

[CONFIDENTIAL DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]

4. Attached hereto as **Exhibit MM** is a true and correct copy of January 16, 2006 deposition of ConnectU, LLC.

[CONFIDENTIAL DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]

5. Attached hereto as **Exhibit NN** is a true and correct copy of January 16, 2006 deposition of Cameron Winklevoss.

[CONFIDENTIAL DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]

6. Attached hereto as **Exhibit OO** is a true and correct copy of January 16, 2006 deposition of Tyler Winklevoss.

[CONFIDENTIAL DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]

7. Attached hereto as **Exhibit PP** is a true and correct copy of January 16, 2006 deposition of Howard Winklevoss.

[CONFIDENTIAL DOCUMENT SUBMITTED SEPARATELY UNDER SEAL]

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 2nd day of October, 2007, at Menlo Park, California.

/s/ Theresa A. Sutton /s/
Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 2, 2007.

Dated: October 2, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton